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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,872	07/10/2003	Rickey J. Thomas	0275Y-000703	1565
27572 7590 02/11/2008 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 02/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/616,872

Applicant(s)

THOMAS ET AL.

Examiner

GHASSEM ALIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,4,6 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6 and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/29/08 has been entered, wherein claim 23 is amended. Claims 3-4, 6, and 23-29 are currently pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a person shall be entitled to a patent unless –

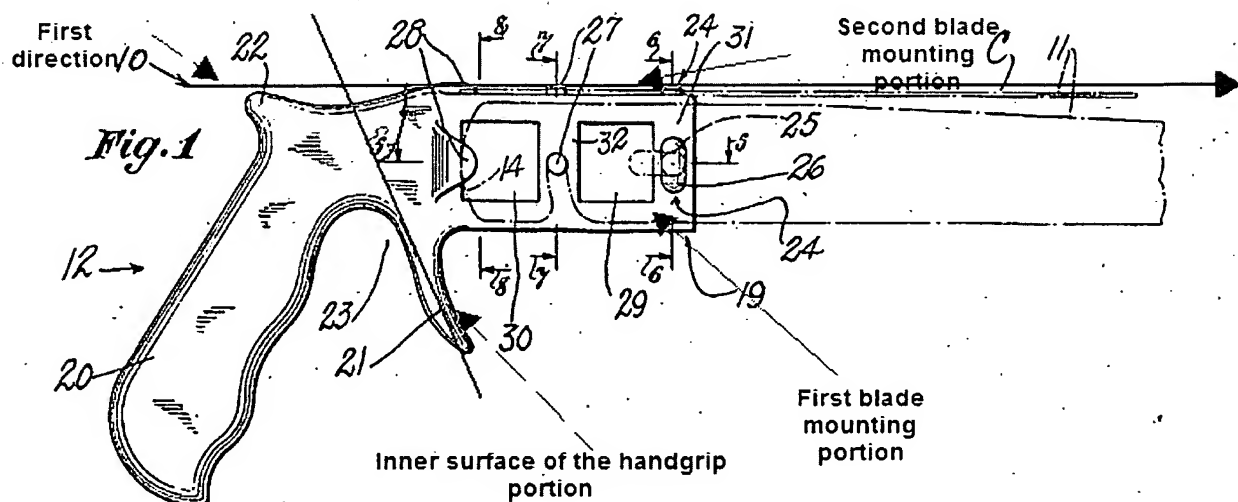
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 3, 6, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Davey (2,017,895). Regarding claim 23, Davey teaches a hand saw 10 including a handle 12 having a handgrip portion 21, defining an inner surface 21A, adapted to be received in a users' palm. It should be noted that handgrip 21 is one of the two handgrip portions of the handle. It should also be noted that the handgrip portion 21 is capable of being received by a user's palm. Simply, a user can receive the handgrip portion by his/her palm. Davey also teaches that the saw includes first and second blade mounting portions 24, 27. It should be noted that the first mounting portion is defined by the T-headed stud 24 and the pin 27 at A or B. The second mounting portion is defined by the T-headed stud 24 and the pin 27 at C. Davey also

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teaches that the first mounting portion being disposed on a side surface of the handle 12 and the second blade mounting portion being on a bottom surface of the handle 12. Davey also teaches a blade A-C removably mounted to one of the first and second blade mounting portions and extending away from the handle 12 in a first direction away from the handle, wherein the blade has an unsupported distal end. Davey also teaches that the handgrip portion is sloped toward the blade so as to be oriented at an acute angle  $\theta$  relative to the second blade mounting portion. It should be noted that the inner surface of the handgrip portion 21 is sloped toward the blade as the inner surface of the handgrip portion in the instant application. Davey also teaches that the first and second blade mounting portions each include a key 27 adapted to be received in an end slot in the blade.

Regarding claims 3 and 6, Davey teaches everything noted above including that the handle 12 is a single integrally formed member. Davey also teaches that the handle include a hook member for hanging the handsaw. It should be noted that the curved area between the two grip portions 20 and 21 of the handle is considered to be a hook portion that could be used for hanging the hand saw.



4. Claim 3, 6, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Suhre (2,559,686). Regarding claim 23, Suhre teaches a hand saw including a handle 10 having a handgrip portion 12 defining an inner surface adapted to be received in a user's palm. Suhre also teaches that the saw includes first and second blade mounting portions 50, 48. Shure also teaches that the first mounting portion 50 being disposed on a side surface of the handle 10 and the second blade mounting portion 48 being on a bottom surface of the handle 10. Suhre also teaches a blade 56 removably mounted to one of the first and second blade mounting portions and extending away from the handle 10 in a first direction away from the handle, wherein the blade has an unsupported distal end. It should be noted end of the blade with cutting edge or the end opposite the cutting edge is considered to be a distal end of the blade which is unsupported. It should be noted that the claim does not define what is considered to be the distal end of the blade, and how the distal end of the blade is distinguished from other ends of the blade. Suhre also teaches that the handgrip portion 12 is sloped toward the blade so as to be oriented at an acute angle relative to the second blade mounting portion. It should be noted that the inner surface of the handgrip portion 12 is sloped toward the blade and it is oriented at approximately 50-60 degrees angle relative to the second mounting portion 48. Suhre also teaches that the first and second mounting portions 50, 48 each include a key adapted to be received in an end slot in the blade. It should be noted that each mounting section includes a protrusion that is defined as a key. Each key is adapted to be received in an end slot in the blade 56. See Figs. 6-7 in Suhre.

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Regarding claims 3 and 6, Suhre teaches everything noted above including that the handle is a single integrally formed member. Suhre also teaches that the handle include a hook member for hanging the handsaw.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

To the degree that it could be argued that Davey does not teach the hand grip portion is adapted to be received in a user's palm the rejection below is applied.

6. Claims 3, 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey in view of Derr (2,606,584). Regarding claim 23, Davey teaches a hand saw 10 including a handle 12 having a handgrip portion 20 adapted to be received in a users' palm. Davey also teaches that the saw includes first and second blade mounting portions 24, 27. It should be noted that the first mounting portion is defined by the T-headed stud 24 and the pin 27 at A or B. The second mounting portion is defined by the T-headed stud 24 and the pin 27 at C. Davey also teaches that the first mounting portion being disposed on a side surface of the handle 12 and the second blade mounting portion being on a bottom surface of the handle 12. Davey also teaches a blade A-C removably mounted to one of the first and second blade mounting portions and extending away from the handle 12 in a first direction away from the handle, wherein the blade has an unsupported distal end. Davey also teaches that the first and

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second blade mounting portions each include a key 27 adapted to be received in an end slot in the blade. Davey does not teach that the handgrip portion is sloped toward the blade so as to be oriented at an acute angle relative to the second blade mounting portion. In other words, Davey does not teach that the hand grip portion of the handle 20 is sloped toward the blade. Davey teaches that the hand grip portion of the handle 20 is sloped away from the blade. However, the use of a handle having a hand grip portion sloped toward the blade of a hand saw is well known in the art such as taught in Derr. Derr teaches a hand saw including a handle 5 having a hand grip portion sloped toward a blade 1, 3. See Figs. 1-4 in Derr. It should be noted that the replacement of the handgrip portion of the handle in Davey with the handgrip portion of the handle 5 only involves a routine substitute of a known hand grip portion for a similar one which performs the same function. Therefore, it would have been obvious to a person of ordinary skill in the art to replace the hand grip portion of the Davey's hand saw with the hand grip portion, as taught by Derr, since both hand grip portions are art-recognized equivalents which perform the same function.

Regarding claims 3 and 6, Davey teaches everything noted above including that the handle is a single integrally formed member. Davey, as modified above, also teaches that the handle 5 include a hook member for hanging the handsaw. It should be noted that the curved area of the handgrip portion could be used as a hook member. See Fig. 1 in Derr.

7. Claims 4 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey in view of Applicant's Admitted Prior Art, hereinafter AAPA. Regarding claims 24 and 26, Davey teaches everything noted above including that the blade A-C is secured relative to the handle 12 in each of lengthwise direction of the blade and a widthwise

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direction of the blade. It should be noted that the key 27 and pin prevent the blade from movements in both lengthwise and widthwise directions. Davey does not explicitly teach that the blade mounting portions each include a mounting screw which inherently prevent the movement of the blade in lengthwise, widthwise and depthwise directions. However, in a prior Office action, Official Notice was taken that it is old and well known in the art to use a screw boss while attaching two parts in order to guide a fastener. Applicant failed to traverse the merits of this rejection, so the common knowledge is taken to be admitted prior art. Therefore, it would have been obvious to a person of ordinary skill in art to provide a boss screw with the Davey's saw for the purpose of guiding the fastener. In addition, it would have been obvious to a person of ordinary skill in art to use an alternative fastener, such as a screw, with the Davey's device since such fasteners are known equivalents.

Regarding claim 4, Davey, as modified above, also teaches that the blade mounting screw is removably engaged with screw boss of the one of said first and second blade mounting portions so as to couple the blade to the handle 12.

Regarding claim 25, Davey also teaches that the handle include a hook member for hanging the handsaw. It should be noted that the curved area between the two grip portions 20 and 21 of the handle is considered to be a hook portion that could be used for hanging the hand saw.

Regarding claims 27-28, Davey, as modified above, teaches everything noted above including that the first and second blade mounting portions inherently include a threaded hole for receiving the fastener or the mounting screw.



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Regarding claim 29, Davey also teaches that the handle include a hook member for hanging the handsaw. It should be noted that the curved area between the two grip portions 20 and 21 of the handle is considered to be a hook portion that could be used for hanging the hand saw.

8. Claims 4 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey in view of Derr, as applied to claim 23, and in further view of Applicant's Admitted Prior Art, hereinafter AAPA. Regarding claims 24 and 26, Davey teaches everything noted above including that the blade A-C is secured relative to the handle 12 in each of lengthwise direction of the blade and a widthwise direction of the blade. It should be noted that the key 27 and pin prevent the blade from movements in both lengthwise and widthwise directions. Davey does not explicitly teach that the blade mounting portions each include a mounting screw which inherently prevent the movement of the blade in lengthwise, widthwise and depthwise directions. However, in a prior Office action, Official Notice was taken that it is old and well known in the art to use a screw boss while attaching two parts in order to guide a fastener. Applicant failed to traverse the merits of this rejection, son the common knowledge is taken to be admitted prior art. Therefore, it would have been obvious to a person of ordinary skill in art to provide a boss screw with the Davey's saw for the purpose of guiding the fastener. In addition, it would have been obvious to a person of ordinary skill in art to use an alternative fattener, such as a screw, with the Davey's device since such fasteners are known equivalents.

Regarding claim 4, Davey, as modified above, also teaches that the blade mounting screw is removably engaged with screw boss of the one of said first and second blade mounting portions so as to couple the blade to the handle.

Regarding claim 25, Davey, as modified above, also teaches that the handle include a hook member for hanging the handsaw.

Regarding claims 27-28, Davey, as modified above, teaches everything noted above including that the first and second blade mounting portions inherently include a threaded hole for receiving the fastener or the mounting screw.

Regarding claim 29, Davey, as modified above, teaches that the handle include a hook member for hanging the handsaw.

***Response to Amendment***

9. Applicant's arguments filed on 01/29/08 have been fully considered but they are not persuasive. Applicant's arguments with respect to the finality of the Final Rejection mailed on 10/31/07 have been rebutted in the advisory action mailed on 01/15/08. Applicant's argument that Davey does not teach that the hand grip portion 21 is adapted to be received in a user's palm is not persuasive. It should be noted that the handgrip portion 21 is capable of being received by a user's palm. Simply, a user can receive the handgrip portion by his/her palm. Applicant's argument that the hand grip portion 21 is designed to be encircled by the operators' fingers rather than the operator's hand is not persuasive. The handle 21 may be designed to be encircled by the operators' fingers. However, as stated above, the handle 21, is capable of being received by the operators' palm. Applicant's argument that Suher does not teach that the blade includes an unsupported distal end is not persuasive. It should be

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noted end of the blade with cutting edge or the end opposite the cutting edge is considered to be a distal end of the blade which is unsupported. It should be noted that the claim does not define what is considered to be the distal end of the blade, and how the distal end of the blade is distinguished from other ends of the blade. Applicant's argument that Suhre does not teach that the first and second blade mounting portions include a key adapted to be received in an end slot in the blade is not persuasive. It should be noted that each mounting section includes a protrusion that is defined as a key. Each key is adapted to be received in an end slot in the blade 56.

### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 5, 2008

/Ghassem Alie/

Primary Examiner, Art Unit 3724